



Minutes

Ordinary Council Meeting held at 12.30 PM on the Monday 1 July 2019 in the Council Chamber, Pleasant Creek Historic Precinct.

Present

Cr Kevin Erwin (Mayor)
Cr Tony Driscoll
Cr Murray Emerson
Cr Rob Haswell
Cr Jason Hosemans
Cr Karen Hyslop
Cr Merrilee Reid

Mr Michael Bailey, Chief Executive Officer
Mr Vaughan Williams, Director Corporate Services
Mr Trenton Fithall, Executive Manager Operations
Mrs Naomi Goode, Executive Manager Communities

Affirmation

We recognise the traditional owners of the land.
We are inspired by the early pioneers and by those who gave their lives for our country.
We now ask God's blessing on our deliberations
and on our commitment to build a better lifestyle and environment.

Confirmed at the meeting of Council on Monday 5 August 2019.

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1. Apologies

Nil

2. Confirmation of Minutes

Ordinary Meeting held on Monday, 24 June 2019

RESOLUTION

That the minutes as listed, copies of which have been circulated, be confirmed and adopted.

Moved: Cr Murray Emerson

Seconded: Cr Karen Hyslop

Carried

3. Matters Arising from the Minutes

Nil

4. Presentations/Awards

Nil

5. Presentation of Petitions and Joint Letters

Nil

6. Disclosures of Interest and Declarations of Conflict of Interest

A Councillor who has a conflict of interests and is attending the Council meeting of the Council must make a full disclosure of that interest.

- a. by either-**
 - i. advising the Council at the meeting of the details required under paragraphs (b) and (c) immediately before the matter is considered at the meeting; or**
 - ii. advising the Chief Executive Officer in writing of the details required under paragraphs (b) and (c) before the meeting; and**
- b. classifying the type of interest that has given rise to the conflict as either-**
 - i. a direct interest; or**
 - ii. an indirect interest and specifying the particular kind of indirect interest under:
section 78 - close association
section 78A - financial interest
section 78B - conflicting duties
section 78C - receipt of an applicable gift
section 78D - consequence of becoming an interested party
section 78E - impact on residential amenity; and**
- c. describing the nature of the interest; and**
- d. if the Councillor advised the Chief Executive Officer of the details under paragraph (a)(ii), the Councillor must make a disclosure of the class of interest only to the meeting immediately before the matter is considered at the meeting.**

Members of Staff

Under Section 80C of the *Local Government Act 1989*, officers or people engaged under contract to the Council providing a report or advice to Council must disclose any conflicts of interests in the matter, including the type of interest.

Nil

7. Assemblies of Councillors

[Michael Bailey, Chief Executive Officer]

An assembly of Councillors means a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and 1 member of Council staff which considers matters that are intended or likely to be: - the subject of a decision of the Council; or subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee [s 76AA]; but does not include a meeting of the Council, a special committee of the Council, an audit committee established under s 139, a club, association, peak body, political party or other organisation.

A matter means a matter with which a Council, special committee or a member of Council staff is concerned and that will require –

- a. a power to be exercised, or duty or function to be performed, or a decision to be made, by the Council or a special committee in respect of the matter;
- b. a power to be exercised, or duty or function to be performed, or a decision to be made by a member of council staff in respect of the matter.

Section 80A of the *Local Government Act 1989* requires that the written record of an Assembly of Councillors is, as soon as practicable, reported at an ordinary meeting of the Council and incorporated in the minutes of that Council Meeting.

The records for the period since the last ordinary Council meeting are listed below.

Date	Description	Matters/considered	Councillor / Officer making disclosure	Item No.	Left meeting Y/N
24/6/2019	Councillor Briefing	Draft Northern Grampians Shire Municipal Fire Management Plan 2019-22; Advocacy Program; Local Government Act Review; Terms of Reference - Community Access Advisory Group, Instrument of Authorisation and Appointment - Planning & Environment Act 1987, Council Agenda Review	N/A	N/A	N/A

RESOLUTION

That the report on Assemblies of Councillors be approved.

Moved: Cr Karen Hyslop

Seconded: Cr Murray Emerson

Carried

8. Items Brought Forward

9. Consideration of Reports of Officers
9.1. Waste and Recycling Exemption Policy

Author/Position: Kate Sage, Coordinator Environment & Community Safety

Summary

The purpose of this report is for Council to adopt amendments resulting from a policy review which support administrative efficiencies and clarity of terminology within the Waste and Recycling Exemption Policy.

Recommendation

That Council adopts the Waste and Recycling Exemption Policy.

RESOLUTION

That Council adopts the Waste and Recycling Exemption Policy.

Moved: Cr Karen Hyslop

Seconded: Cr Jason Hosemans

Carried

Background/Rationale

The Waste and Recycling Exemption Policy aims to provide a formalised and consistent approach to granting an exemption from Council's waste and recycling services or associated fees and charges.

The Waste and Recycling Exemption Policy was first adopted in 2007 and replaced Council's former Garbage and Recycling Exemption Policy.

The policy currently comprises three specific sections relating to commercial and industrial premises, properties exempt from Council rates and a registered charities exemption.

The registered charities exemption aspect of the policy was previously reviewed in June 2015 and a minor amendment relating to the wind blown litter definition was incorporated into the policy. This followed a query about the meaning of this term by a local community organisation which identified a requirement for a more precise definition of wind blown litter.

The policy was further reviewed internally in July 2016 and both the efficiency of the commercial and industrial premises - exemption and definition of public areas within the registered charities exemption were identified as requiring an update.

Currently, applicants for the commercial and industrial premises exemption are required to submit a current tax invoice each year as evidence of a waste collection service to substantiate a request for an exemption from Council's kerbside waste. It is proposed that this annual requirement be amended to once only and remaining in place while the business management remains the same. It is further proposed that the exemption would not be transferable and sale of the business, subletting, leasing or substantial change of business operations would void the existing exemption.

The current use of the term 'public areas' within the registered charities exemption of this policy was also identified as ambiguous and requiring clarification. As Council can only approve activities in relation to Council owned land or assets, it is recommended that the existing Local Laws definition of 'municipal place' be adopted to provide clarity and transparency within this section.

These two recommended amendments are proposed in the interests of red tape reduction, clarity and transparency for both applicants and Council staff alike. It is possible that some charitable organisations may feel restricted by the proposed registered charities exemption amendment, however it has been structured to avoid confusion and provide guidance in the interests of fairness to all parties.

Legislation, Council Plan, Strategy and Policy Implications

Local Government Act 1989 - Part 8 Rates and Charges

Council Plan 2017-21 - Improving Organisational Effectiveness

Options

The only option provided is for Council to adopt the policy as presented.

Implications

This report has considered social, heritage/cultural, amenity, human rights/privacy, environmental, economic and marketing, risk management, financial and asset management implications where applicable. Any identified implications have been addressed in this report.

Consultation

No external consultation required.

Officer's Declaration of Interest

Under section 80C of the *Local Government Act 1989* officers providing advice to Council must disclose any interests, including the type of interest.

Kate Sage, Coordinator Environment & Community Safety

In providing this advice as the author, I have no disclosable interests in this report.

Attachments

1. Waste and Recycling Exemption Policy [9.1.1 - 5 pages]

Waste and Recycling Exemption Policy



July 2019



Northern Grampians Shire Council
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Waste and Recycling Exemption Policy



Council Policy

Responsible director

Responsible officer

Functional area

Date adopted by Council

Review date

Executive Manager Operations

Waste Management Officer

Environment & Community Safety

July 2019

July 2023

Purpose

The purpose of this policy is to provide a formalised and consistent approach to granting an exemption from Council's waste and recycling services or associated fees and charges. This policy supersedes Council's Garbage and Recycling Exemption Policy.

Background

Council's Waste and Recycling Exemption Policy was first adopted in 2007, to be reviewed following the development of Council's waste and recycling collection contracts that commenced 1 July 2013.

Council provides a range of waste services where fees and charges are applied. There is a demonstrated need for the existing policy to be amended to incorporate Council's kerbside and transfer station services.

Policy

Commercial and Industrial Premises - exemption from Council's kerbside waste and recycling service

To be eligible for the exemption from Council's kerbside waste and/or recycling service and the associated charges, applicants must be operating a business and provide council with current ABN, and business registration details.

To be considered for an exemption under this policy, applicants must provide a copy of a current tax invoice for the waste and/or recycling collection from a commercial collection contractor identifying that they are providing a collection service (waste, recycling or both) to that premises. A tax invoice for the financial year that the premises makes their initial application for the exemption is required. Exemptions cannot be applied for retrospectively. The commercial collection must occur from the premises for which the exemption is being applied for.

Council's Waste Management Strategy aims to reduce waste to landfill and increase resource recovery and to this end exemptions will not be granted from Council's recycling service charge unless the applicant provides evidence that a recycling collection, which is separate from the business's waste collection, is being undertaken.

Where an exemption is granted, applicants must return the Council supplied bin(s) to a Council Depot, by appointment, prior to any exemption being formally processed. Furthermore, applications for an exemption will only be commenced in the financial year in which they are lodged and exemptions cannot be obtained retrospectively.

Once an exemption is granted under this clause it will remain in place, and does not require annual updating, while the business management remains the same. The exemption is not transferable. Sale of the business, subletting, leasing or substantial change of business operations will void the existing exemption.

Council may cancel this exemption for administrative purposes, or for change of contractual commitments. Council must advise the exemption holder in writing of the cancellation three months in advance.

Business proprietors, who have been granted an exemption under this policy, that are identified as unlawfully disposing of the business waste, through public waste bins, dumping waste or using bins not associated to the business will have their exemption cancelled. These actions will be considered when any further application for exemption under this policy is made.

Properties exempt from Council rates – exemption from Council's kerbside waste and recycling service

To be eligible for an exemption under this policy the property must be classified by Council as a property that is exempt from Council rates (previously identified as non-rateable properties). Council has identified a number of properties across the municipality that are exempt from paying Council rates. These properties are generally identified as properties owned or operated by community groups, associations or organisations that have a direct community benefit.

To be considered for an exemption under this policy, applicants must provide a statutory declaration from the organisation involved stating that the waste and recyclable materials will be managed by a commercial contractor or responsibly by the applicant. The exemption is only applicable for the property listed on the application and must be a property identified by Council as being exempt from Council rates. The application will be valid for the duration of kerbside waste and recycling collection contract and is not transferable to other properties or parties.

Registered Charities exemption from transfer station fees and charges

To be eligible for an exemption under this policy an organisation must be registered with the Australian Charities and Not for profits Commission (ACNC) as a charity. Only charities conducting community clean up events, in municipal places for the benefit of the community, are able to apply for the exemption from payment of transfer station gate fees, when depositing waste and material collected as part of the community clean up event.

A municipal place means a place, which is owned or occupied by the Council, or a place, including roads, where the care and management has been vested in Council, or any other land where the owner or manager has obtained approval from Council for the *General Local Law 2012* or part thereof to be applicable to that land, and the place is open to, or accessible to members of the public regardless of whether or not a fee is payable to enter.

Only windblown litter, which is defined as small items of litter that may have travelled by the wind, such as food and beverage containers, paper, cardboard, bottles, cans, and wrappers can be collected and deposited at the transfer station at no cost. Larger household, business and farm items such as but not limited to scrap metal, furniture, white goods and tyres are not included as part of the exemption.

The type and location of these larger items should be either reported to Council by calling 5358 8700, or contacting the appropriate land manager.

To be considered for an exemption under this policy applications for an exemption from transfer station gate fees must be made in writing to Council two weeks prior to the event. Exemptions cannot be obtained retrospectively. Charities conducting a commercial/charitable business such as an opportunity shop, are not able to claim the exemption from transfer station fees and charges for waste, recyclable and reuse materials that are generated, directly or indirectly, as a result of the business operations.

Council Plan Objective/Strategy

The policy is consistent with the Council Plan and in particular, We will implement a waste reduction action plan and promote better use and re-use of valuable resources by:

- Implementing measures to reduce waste to landfill

Legislation and Standards

Local Government Act 1989, Part 8 Rates and Charges

Responsibilities

The Responsible Executive Manager is Executive Manager Operations. The Waste Management Officer is responsible for the policy's implementation.

Stakeholders

This policy relates to commercial and industrial properties, registered charities within the municipality, and properties where Council has determined not to apply rates due to the nature of the organisation using the property.

Council officers are responsible for the implementation and management of policy.

Review

Applications for the exemption will be processed throughout the life of the policy.

The policy will be monitored annually and will be reviewed in 4 years or prior to awarding the kerbside waste and recycling collection contract, to ensure it remains current and in line with Council's goals and processes.

Communication and implementation

The policy is available on the council's website and copies can be provided by contacting council on 5358 8700.

The policy will be promoted to eligible properties through the media and by officers of the Business Services team, Waste Management Officer and Rates Officers.

References

Council's Waste Management Strategy 2012

Council staff able to assist with the understanding of the policy and its implementation:

- Waste Management Officer
- Waste and Emergency Services Officer
- Rates Officers
- Coordinator Environment & Community Protection
- Manager Environment & Regulatory Services

Privacy and Data Protection compliance

[All Council policies must consider the *Privacy and Data Protection Act 2014* and the *Victorian Protective Data Security (VPDSS) Framework* which adopts a risk-based approach to protective data security. Policies must include, where relevant, identified security risks and governance arrangements in place to protect security across the domains of information, personnel, ICT and physical.]

Charter of Human Rights compliance

It is considered that this policy does not impact on any human rights identified in the *Charter of Human Rights & Responsibilities Act 2006*.

Definitions

Charity: for the purpose of this policy refers to an organisation registered with the Australian Charities and Not for Profits Commission (ACNC) as a charity.

Property exempt from Council rates- a property where Council has determined not to apply rates due to the nature of the organisation using the property (previously referred to as Non rateable property)

Review history

Date	Review details	Action
2 June 2014	Report to Council	Adopted
5 September 2016	Report to Council	Adopted
1 July 2019	Report to Council	

9.2. Instrument of Authorisation and Appointment - Planning & Environment Act 1987

Author/Position: Lauren Homden, Acting Manager Governance & Civic Support

Summary

To appoint officers, by a resolution, pursuant to section 147 of the *Planning & Environment Act 1987*.

Recommendation

That in exercise of the powers conferred by section 147 of the *Planning & Environment Act 1987*, Council resolves that:

1. the members of Council staff referred to in the Instrument be appointed and authorised as set out in the Instrument
2. the Instrument comes into force immediately when the Common Seal of Council is affixed to the Instrument and remains in force until Council determines to vary or revoke it, and
3. the Instrument be signed and sealed.

RESOLUTION

That in exercise of the powers conferred by section 147 of the *Planning & Environment Act 1987*, Council resolves that:

1. the members of Council staff referred to in the Instrument be appointed and authorised as set out in the Instrument
2. the Instrument comes into force immediately when the Common Seal of Council is affixed to the Instrument and remains in force until Council determines to vary or revoke it, and
3. the Instrument be signed and sealed.

RESOLUTION

That in exercise of the powers conferred by section 147 of the *Planning & Environment Act 1987*, Council resolves that:

1. the members of Council staff referred to in the Instrument be appointed and authorised as set out in the Instrument
2. the Instrument comes into force immediately when the Common Seal of Council is affixed to the Instrument and remains in force until Council determines to vary or revoke it, and
3. the Instrument be signed and sealed.

Moved: Cr Murray Emerson

Seconded: Cr Tony Driscoll

Carried

Background/Rationale

The attached Instrument of Appointment and Authorisation provides for Council to appoint the nominated officers by resolution, pursuant to section 147 of the *Planning & Environment Act 1987*. The Instrument also includes the general appointment provision in section 232 of the *Local Government Act 1989*.

The Instrument varies the existing Instrument due to the appointment of Sumaya Tonny, Strategic Planner.

Legislation, Council Plan, Strategy and Policy Implications

Council Plan: Improve Organisational Effectiveness

Planning & Environment Act 1987

Local Government Act 1989

Options

No options, other than to sign and seal the Instrument are recommended.

Implications

This report has considered social, heritage/cultural, amenity, human rights/privacy, environmental, economic and marketing, risk management, financial and asset management implications where applicable. Any identified implications have been addressed in this report.

Consultation

No consultation was required.

Officer's Declaration of Interest

Under section 80C of the *Local Government Act 1989* officers providing advice to Council must disclose any interests, including the type of interest.

Lauren Homden, Acting Manager Governance & Civic Support

In providing this advice as the author and acting responsible manager, I have no disclosable interests in this report.

Attachments

1. Instrument of Delegation - Planning and Environment Act 1987 [9.2.1 - 2 pages]

Northern Grampians Shire Council

Instrument of Appointment and Authorisation

(Planning and Environment Act 1987 only)

(Pursuant to 80B & 80C of the Local Government Act 1989)

A member of Council staff who has a conflict of interest (Direct or Indirect) in a matter in which they have a delegated power, duty or function of the Council under section 98 or under another Act, must:

- (a) not exercise the power or discharge the duty or function,***
- (b) promptly disclose the type of interest and nature of interest in writing to the Chief Executive Officer as soon as he/she becomes aware of the conflict of interest.***

This applies to verbal and written advice (reports) and extends also to consultants and contractors. In the instance of the CEO having an interest, the CEO must disclose the type and nature of the interest in writing to:-

- i) the Mayor, in writing, as soon as he or she becomes aware of the conflict of interest in the matter; &***
- ii) the Council by no later than the next ordinary meeting of the Council***

Disclosure is required when providing advice to and before consideration by Council or a special committee

Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*)

In this instrument "**officer**" means -

**Evert Grobbelaar
Alistair Krause
Jodie Senior
Sumaya Tonny**

By this instrument of appointment and authorisation Northern Grampians Shire Council -

1. under s 147(4) of the *Planning and Environment Act 1987* - appoints the officers to be authorised officers for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under s 232 of the *Local Government Act 1989* authorises the officers generally to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument -

- (a) comes into force immediately upon its execution;
- (b) remains in force until varied or revoked.

This Instrument is authorised by a resolution of the Northern Grampians Shire Council on 1 July 2019.

THE COMMON SEAL of the Northern)
Grampians Shire Council was hereunto)
affixed this 1st day of July 2019)
in the presence of:)

_____ Mayor/Councillor

_____ Chief Executive Officer

Date:

10. Notices of Motion or Rescission

Nil

11. Reports from Councillors/Committees

Cr Emerson spoke on Minister for Roads Jaala Pulford visit last Friday to see the development of the Halls Gap CBD.

12. Urgent Business

Nil

13. Public Question Time

Mrs June Raeburn, 24 Patrick Street, Stawell asked what the internet options were at the Stawell Senior Citizens building? Council to provide a written response.

14. Closure of Meeting Pursuant to Section 89(2) of the Local Government Act 1989

A Council or Special Committee may resolve that the meeting be closed to members of the public if the meeting is discussing any of the following :

- (a) Personnel matters;
- (b) The personal hardship of any resident or ratepayer;
- (c) Industrial matters;
- (d) Contractual matter;
- (e) Proposed developments;
- (f) Legal advice;
- (g) Matters affecting the security of Council property;
- (h) Any other matter which the Council or Special Committee considers would prejudice the Council or any other person;
- (i) A resolution to close the meeting to members of the public.

15. Close

There being no further business the Mayor declared the meeting closed at 12.38pm.

Confirmed



CR KEVIN ERWIN
MAYOR

Date: 5 August 2019